

REMARKS

Reconsideration of the outstanding Office Action is respectfully solicited.

Attached hereto is a computer generated translation of the Hyodo reference, JP 07-090805, the Japanese text of which was applied by the Examiner in the February 2004 Office Action; applicant's British representative has provided the same. It is concurrently forwarded with the INFORMATION DISCLOSURE STATEMENT. As the Patent Office cited the reference it appears that no fee is due. [However, if the Examiner believes that a fee is due, please charge the same to Deposit Account 22-0261 and advise our office accordingly.]

Applicant notes with appreciation the indication of allowable subject matter. Certain Claims have been amended to independent form. This includes claims 2, 5, 11 and 12. Claims 20-26 were canceled in the Preliminary Amendment of February 25, 2002; however, this fact was not noted in this file. Accordingly, that fact is embraced by the claim amendment section herein; and the subject matter of Claims 20-26 is renumbered as 27-32.

Applicant respectfully traverses the rejection of claims 1, 4, 5, 10, 17 and 22-23 as anticipated by Hyodo. Hyodo relates to paving material. [Applicant here relies on the computer translation of Hyodo.] Hyodo does not relate to the composites of applicant's claims. More specifically, with respect to Claim 1 of the application, Hyodo does not appear to be directed to a composite which comprises more than 60% w/w of glass granules of grain size 4mm-6mm. Accordingly, Hyodo not only fails to describe claim 1 but also fails to describe claims dependent from Claim 1.

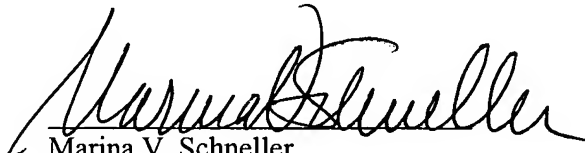
Application No. 10/069,338
Attorney Docket No. 31229-178398

Applicant respectfully traverses the rejection of Claim 14 under 35 USC 112. The
Roddis Declaration attached hereto is directed to that claim.

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,

Date: May 5 2004



Marina V. Schneller
Registration No. 26,032
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax : (202) 344-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James RODDIS

Appln. No. 10/069,338

Filed: February 25, 2002

For: A GLASS COMPOSITE

Art Unit: 1712

Examiner: Marc S. Zimmer

Confirmation No.: 1368

Atty. Docket No. 31229-178398

Customer No.

26694

PATENT TRADEMARK OFFICE

DECLARATION UNDER RULE 312

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, JAMES RODDIS, declare and state that I am the inventor of the above-identified application and further declare and state the following:

I am advised that the Examiner of this application has stated that

"[T]here is no example wherein a reactive diluent has been incorporated hence it cannot be ascertained with absolute certainty that the ratio reported in claim 14 is also intended to be a weight ratio.) Having considered the context of the entire Specification, it seems apparent that the ratio in claim 14 was to have been a weight ratio. Applicant's next response should be accompanied by a rule 1.132 declaration that confirms this presumption.[Office Action of February 5, 2004, page 3]"

Claim 14 of the application recites:

14. A solid glass composite matrix according to claim 12, wherein the diluent is present at a level of 5-30% of the pre-cured resin.

With respect to the range 5-30%, it is clear that the percentage refers to a weight ratio. This numerical range, in Claim 14, is recited with respect to

one of several components; and all other components, described in the specification, are recited as weight ratio.

I further state that all statements herein are made with the knowledge that willful false statements may jeopardize the validity of any patent which issues on the subject application and may be punishable by fine and/or imprisonment.

DATE

30th April 04

JAMES RODDIS

James Roddis